

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 96-235-W/S - ORDER NO. 96-495
JULY 26, 1996

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IN RE: Application of Carolina Water Service,)	ORDER
Inc. Requesting Approval of the Transfer)	DENYING
of the Water Distribution and Sewer)	REQUEST FOR
Collection Facilities Serving Its "I-20")	WAIVER OF
Service Area and Its "Lake Murray" Service)	NOTICE AND
Area in Lexington County, to the Town)	HEARING
of Lexington.)	

This matter comes before the Public Service Commission of South Carolina ("the Commission") on the Application of Carolina Water Service, Inc. ("CWS" or "the Company") by which CWS requests approval of the transfer (sale) of the water distribution and sewer collection facilities serving CWS's "I-20" service area and its "Lake Murray" service area to the Town of Lexington. In its Application, CWS requests that the Commission waive any requirement of public notice and formal hearing on the Application.

26 S.C. Code Ann. R.103-704 (1976) provides in relevant part as follows:

[n]o existing public utility supplying water to the public ... shall hereafter sell, acquire, begin the construction or operation of any utility system ... without first obtaining from the Commission a certificate that the sale or acquisition is in the public interest ... Such certificate shall be

granted only after the applicable information set forth in Subarticle 2, 103-710 et seq. has been filed, and after notice has been given to the Department of Health and Environmental Control and to other interested water utilities, and to the public, and after due hearing ...

26 S.C. Code Ann.R.103-504 (1976) pertains to sewerage utilities and sets forth the same requirements for sewerage utilities as S.C. Code Ann.R.103-704 provides for water utilities.

Upon consideration of this matter, the Commission believes, and so finds, that the requirements of public notice and hearing should proceed. Waiver of the Commission's Rules and Regulations may be granted in any case where compliance with the rules and regulations introduces unusual difficulty and where the Commission finds that such waiver is in the public interest. S.C. Code Ann.R.103-701(3) and R.103-501(3). However, no showing of unusual difficulty regarding the notice and hearing requirements has been made in the instant case. Furthermore, the Commission notes that a Petition to Intervene has already been filed in this case, irregardless that the matter has not yet been officially noticed to the public. Therefore, the Commission cannot find at this juncture that waiver of the notice and hearing requirements is in the public interest.

IT IS THEREFORE ORDERED THAT:

1. The request of CWS for waiver of the public notice and hearing requirements in this matter is denied.

2. Staff is instructed to set this matter for hearing.

3. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION.


Chairman

ATTEST:


Executive Director

(SEAL)